

HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Engrossed Senate Bill No. 93 by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Procedure" delete the remainder of the line and delete lines 3
3 through 5 in their entirety and insert the following:

4 "Articles 312(A), (B), (D)(introductory paragraph) and (1) and (2), and
5 (G)(2)(a), 316(1), (9), and (10), 318, 319(A), and 320(J)(1) and to enact Code of
6 Criminal Procedure Articles 312(G)(2)(c) and (d), 312.1, 315(D), and 316(11)
7 through (13), relative to bail, to provide relative to bail before and after conviction;
8 to provide relative to revocation of bail in certain circumstances; to provide for
9 definitions; to provide relative to schedules of bail; to provide for minimum amounts
10 of bail for certain offenses; to provide for factors in fixing bail; to provide relative
11 to juvenile records in fixing bail; to provide for bail conditions for crimes of
12 violence; and to provide for related matters."

13 AMENDMENT NO. 2

14 On page 1, delete lines 7 and 8 in their entirety and insert the following:

15 "Section 1. Code of Criminal Procedure Articles 312(A), (B), (D)(introductory
16 paragraph) and (1) and (2), and (G)(2)(a), 316(1), (9), and (10), 318, 319(A), and 320(J)(1)
17 are hereby amended and reenacted and Code of Criminal Procedure Articles 312(G)(2)(c)
18 and (d), 312.1, 315(D), and 316(11) through (13) are hereby enacted to read as follows:

19 Art. 312. Right to bail before and after conviction

20 A. Except as provided in this Article ~~and~~, **Article 312.1**, Article 313, or
21 **Article 313.1**, a person in custody who is charged with the commission of an offense
22 is entitled to bail before conviction.

23 B.(1) A person released on a previously posted bail undertaking for **any of**
24 **the following shall not be readmitted to bail when the person previously failed**
25 **to appear and a warrant for arrest was issued and not recalled or the previous**
26 **bail undertaking has been revoked or forfeited:**

27 ~~(1)~~ **(a)** A crime of violence as defined by R.S. 14:2(B) which carries a
28 minimum mandatory sentence of imprisonment upon conviction ~~or~~.

29 ~~(2)~~ **(b)** **The** production, manufacture, distribution, or dispensing or
30 possession with intent to produce, manufacture, distribute, or dispense a controlled
31 dangerous substance as defined by the Louisiana Uniform Controlled Dangerous
32 Substances Law, ~~shall not be readmitted to bail when the person previously failed to~~
33 ~~appear and a warrant for arrest was issued and not recalled or the previous bail~~
34 ~~undertaking has been revoked or forfeited.~~

35 **(c)** **Any offense involving the possession or use of a firearm.**

36 **(d)** **Any sex offense as defined by R.S. 15:541.**

37 **(2)** If a person voluntarily appears without confinement by a law
38 enforcement officer or bail recovery agent following a motion to revoke bail or
39 issuance of an arrest warrant for failure to appear but prior to revocation or
40 forfeiture, then he may be released only under one of the following circumstances:

41 ~~(1)~~ **(a)** After a contradictory hearing, a person may be released on the
42 previously posted bail undertaking if the motion to revoke bail is rescinded or the
43 arrest warrant is recalled and the surety is present or represented at the hearing and
44 gives written consent. Previous instances of revocation and forfeiture in unrelated
45 cases are admissible at the hearing. This relief is available only once.

D. For the purposes of this Article, the following terms have the following meanings:

(1) "Crime of violence" means any offense defined or enumerated as a crime of violence in R.S. 14:2(B).

(2) "Sex offense" means any offense that requires registration and notification pursuant to R.S. 15:540 et seq.

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AMENDMENT NO. 3

On page 2, between lines 1 and 2, insert the following:

"Art. 316. Factors in fixing amount of bail

The amount of bail shall be fixed in an amount that will ensure the presence of the defendant, as required, and the safety of any other person and the community, having regard to:

(1) The seriousness of the offense charged, including but not limited to whether the offense is a crime of violence, **sex offense**, or involves a controlled dangerous substance.

* * *

(9) Whether a firearm or other dangerous weapon was possessed or used during the commission of the offense.

(10) Whether available resources exist within the jurisdiction to impose enforceable conditions that would help ensure the defendant's appearance and protect the community.

(11) The likelihood that the defendant, if released on bail, will continue to commit crimes resulting in harm to any person or the property of another.

~~(9)~~**(12)** Any other circumstances affecting the probability of defendant's appearance.

~~(10)~~**(13)** The type or form of bail."

AMENDMENT NO. 4

On page 2, between lines 2 and 3, insert the following:

"Art. 318. Juvenile records in fixing bail

A. For the purpose of fixing bail, a court may make a written request of any juvenile court for an abstract containing ~~only the~~ **pending or adjudicated** delinquent acts of a defendant currently before the requesting court. ~~The request shall be promptly complied with; however,~~ **juvenile court shall promptly comply with the request; however,** not more than forty-eight hours, exclusive of Saturdays, Sundays, and legal holidays, shall lapse before the requested information is deposited ~~in the mail,~~ **by means of an email address provided in the written request** addressed to the requesting court.

B. The requesting court shall ~~not copy, duplicate, or otherwise reproduce such juvenile records, and these shall be deposited in the mail and addressed to the issuing juvenile court within seventy-two hours, exclusive of Saturdays, Sundays, and legal holidays, after bail is determined~~ **issue a protective order concerning the use of the juvenile abstract for the purposes of protecting the confidentiality of the abstract from any individual who is not involved in the relevant proceedings that concern the defendant who is currently before the requesting court.**

AMENDMENT NO. 5

On page 2, after line 15, add the following:

"Art. 320. Conditions of bail undertaking

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CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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J.(1) Crimes of violence. Notwithstanding the provisions of Paragraph G of this Article and notwithstanding any other provision of law to the contrary, if the defendant is alleged to have committed a crime of violence as defined in R.S. 14:2(B), the court shall require ~~as a condition~~ **the following conditions** of bail:

(a)(i) that That the defendant refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner whatsoever, and shall refrain from having any further contact with the victim. The court shall also require as a condition of bail that the defendant be prohibited from communicating, by electronic communication, in writing, or orally, with a victim of the offense, or with any of the victim's immediate family members.

(ii) This condition does not apply if the victim consents by way of a request to the court and the court issues an order permitting the communication. If an immediate family member of the victim consents by way of a request to the court and the court issues an order permitting the communication, then the defendant may contact that person.

(b) That the defendant, if equipped with a global positioning monitoring system, comply with the appropriate geographic restrictions, monitoring conditions, and enforcement provisions of R.S. 15:571.36, 571. 37, and 571.38.

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